THE HON'BLE SRI JUSTICE V.V.S. RAO

W.P.No.21521 of 2006

18-10-2006

Between:-

Parigi Galaiah

Petitioner

And

The Sub-Divisional Magistrate-cum-
Special Grade Deputy Collector and
Revenue Divisional Officer,
Chevella division,
Ranga Reddy district and two others.

Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

W.P.No.21521 of 2006

ORDER:

The petitioner herein is allegedly the owner of land in survey Nos.182, 186, 214, 215, 1 and 27 situated at Chowdapur village, Kulkacherla mandal, Ranga Reddy district. The third respondent herein is the petitioner's younger brother. The petitioner states that there was a partition between the petitioner and the third respondent and thereafter he is in peaceful possession of land ad-measuring Ac.03-10 gts., The third respondent allegedly filed a complaint before the second respondent herein, the Inspector of Police, Parigi, who sent a report to the first respondent. The said report was treated as one under Sections 145 and 146 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.) being case No. L/2704/06 dated 15-09-2006. The first respondent thereafter issued a notice under Section 145 (1) of Cr.P.C. and simultaneously passed orders under Section 146 (1) of Cr.P.C. attaching the land in survey numbers referred to hereinabove. The petitioner immediately approached the first respondent and filed his explanation/representation. The same was not disposed of and therefore the petitioner filed the instant writ petition challenging the proceedings of the first respondent dated 15-09-2006.

Learned counsel for the petitioner submits that the conditions precedent for invoking the jurisdiction under Section 145 of Cr.P.C. are absent even after reading the report of the Inspector of Police. Therefore, the impugned proceedings are issued without jurisdiction. Secondly, he submits that there was no such emergent situation requiring attachment of property under Section 146 (1) of Cr.P.C. and the first respondent issued impugned proceedings without application

of mind. Thirdly, the learned counsel submits that as required under Section 145 (1) of Cr.P.C., the petitioner immediately filed the representation before the first respondent, in vain.

During the course of arguments, it has come to the notice of this court that the first respondent posted the matter on 30-10-2006. Therefore, if any opinion is expressed at this stage regarding the contentions raised by the learned counsel for the petitioner, it may be detrimental to the interest of the petitioner.

After getting instructions, learned Assistant Government Pleader (General-T) submits that the first respondent shall dispose of the matter on 30-10-2006. The first respondent may do so without fail. If any adverse order is passed, it shall be open to the petitioner to invoke the proceedings under Section 379 of Cr.P.C. and file a revision before the court of District and Sessions Judge, Ranga Reddy district.

The writ petition, with the above observations, is accordingly disposed of.

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V.V.S. RAO, J

Dated:18-10-2006
Pvks/*

Nb:- Furnish c.c. tomorrow,
B/o pvks